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REPORT
OF THE
Game Commission

OF THE
STATE OF PENNSYLVANIA.

1902.

WM. STANLEY RAY,
STATE PRINTER OF PENNSYLVANIA.
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REPORT
OF THE
GAME COMMISSION.

To the Honorable Wm. A. Stone, Governor of Pennsylvania:

Submitted
Sir: As required by law the Game Commission of this Commonwealth submits its report and a summary of the work done in this Department since filing of our last full report to you, November, 1900, and including the statement forwarded in July, 1902, with such recommendations and suggestions as to us seem fit and necessary to the advancement of game and bird protection in this State.

The apparent interest in game, in song and in insectivorous birds, not only in this State, but in the United States, as set forth in our last report, seems to have gathered strength and volume since that time, resulting in much greater effort in that direction, upon the part of both individuals and organizations, with a corresponding benefit to the cause.

The idea of the prohibition of the killing of certain kinds of game in this State for sale. The prohibition of the shipment of all kinds of game out of the State. The prohibition of the killing of song and insectivorous birds for any, save a strictly scientific purpose, as advanced by the act of 1897, and the prohibition of the spring shooting of aquatic fowl, as advanced by resolution of this Board in 1899, appears to have been well fitted to attain the purpose intended (the increase of our game and of our birds) and has been followed by many of the states and territories of our Union and by several of the provinces of Canada. All but four of the states with all of the territories, at this time forbid the shipment of game outside their limits, for sale. Twenty-six of the states forbid the killing of certain kinds of game, for sale, within the State. Most of the states forbid the killing

of song and insectivorous birds for any purpose, and a number, with several of the provinces of Canada, prohibit the spring shooting of wild aquatic fowl and the destruction of their eggs. Twenty-three states require non-residents to secure a license before shooting within their boundaries.

We find the enactment of a law is one thing and its enforcement another, that one of the greatest requisites to the success of a compulsory law, is public opinion, this, we feel, is with us in this State, not only that of the sportsman, with whom the idea of game and bird protection originated, but that of all classes who give the question the slightest thought, and most especially is this the fact with those who are engaged in agricultural pursuits, who have come to realize the value of the living bird to them and that the question of bird protection is just as much a question of dollars and cents, as is that of cultivation fertilization or any other adjunct to a profitable crop.

We are of the opinion that our law pertaining to this subject, is, in many of its features, all that is necessary, and that through proper effort in its enforcement, much good can be accomplished. While in other respects, it is very defective and should be remedied at the earliest possible moment. For instance, an act of the Legislature of 1901 requires all non-resident hunters, "the same not being the owner of real estate therein" to secure a license before hunting in this Commonwealth. This act was passed not specially as a game protective measure, but more as a protection to those farmers residing in our border counties, whose land both in and out of season was run over by irresponsible hunters from adjoining states, who tore down fences, shot poultry, crippled stock, started fires and committed other depredations, then quietly disappeared into their own territory safe from pursuit. While this was the purpose of the law, and to a certain extent that object has been attained, there is still much room for improvement in this law. We, upon whom its enforcement has fallen, find there are numerous ways of avoiding the payment of the tax therein required, and of making the law a dead letter. That provision, allowing the owner of real estate in this State, to hunt without paying the fee, being the most prominent. In certain sections a small piece of wild land has been purchased by one or more individuals, for a nominal figure, no tax is paid, and the deed is not even recorded, yet it serves the purpose and the State is beaten out of the small amount due, again, a bogus deed is carrier, and in case of arrest, presented to the justice of the peace before whom the case is tried, if the deed is questioned, some one asserts, that they understand a justice of the peace cannot, in this State, consider or pass upon the question of title to real estate, the deed on its face is correct and the prisoner is discharged, and again, many, I might say the great ma-

jority, of complaints coming to this office of the killing of song and insectivorous birds, or hunting on Sunday, or killing game out of season, places the blame on the unnaturalized foreigner, especially is this the case where they are collected in large numbers as on railroad contracts and in the several coal producing counties of the State. We have met with no little difficulty in punishing violators of the game law, where the offenders were under the age limit as fixed by the act of May 21, 1901, known as the juvenile court act, and again much trouble has been caused, and many complaints have come from the constables of the State, who, by virtue of an act of 1899, are made ex-officio fire, game and fish wardens, by this act it is made their duty to enforce the law pertaining to each of these subjects, yet in the matter of game, there is no provision for the payment of costs to either the justice of the peace or the constable, unless a conviction is secured; which is not always possible, even though the most strenuous and able efforts be put forth by the officer. These several defects we feel should be remedied. The non-resident hunter should be required to pay the license fee, as in adjoining states, regardless of the ownership of property. The unnaturalized foreign resident should be required to pay the same fee. Boys in this State under the age of sixteen years, should not be allowed to wander around with a gun of any kind, except, during the open season for game, and the justice of the peace and constable, who is compelled by law to prosecute offenders of this kind, should be allowed costs as in cases of a like character. Ornithology has been defined to be the study of birds from the standpoint of dollars and cents. To the casual observer a bird is a bird and the many birds seen during the day, simply an aggregation of birds, all living in the same way and of but little value to any one. To the trained ornithologist each bird has its work to do, even the different species of a class, working in different places and on different lines, some along the brooks, some on the hill side, some in the open field, some in the wood land, some on the ground, some in the tree tops, some on the bodies of the trees, some in the air and nowhere else, an examination of the stomachs of many birds killed in the same locality, and apparently, living in the same manner, show great diversity of food eaten by the several species, each partaking of that peculiar to itself, whether of seeds or insects, to the almost total exclusion of all besides, and each a much needed adjunct to successful agriculture. The ornithological reports as issued in the form of bulletins by the Agricultural Department at Washington should satisfy any individual or community of the value of bird life to them and there should be no hesitancy in the payment of any reasonable amount for their protection.

Because of the lack of funds at our command we have fallen short

in our proposed work and especially is this the case in the work of organization, through which we hoped to accomplish much, still many associations for the protection of game and of birds have been formed, with very beneficial results. In Blair, Bedford, Clearfield, Jefferson, Luzerne, Lycoming and other counties many violators of the game laws, have been arrested and punished through the efforts of these organizations, and individuals interested in this work.

Through the efforts of those connected with the office at Harrisburg we have since our last report, gathered the following cases.

Deer killed out of season,	25
Other game killed out of season, .,.....	45
Game killed in excess of the limit,	15
Deer killed in the water,	5
Killing of song and insectivorous birds,	84
Running of deer with dogs,	47
Deer killed by dogs running at large,	29
Hunting by non-residents,	23
Carrying game out of the State,	22
Hunting game on Sunday,	27
Sale of game,	35
Purchase of game,	15
Possession of game out of season,	4
Destroying birds nests,	12
Using ferrets,	17
Game in captivity contrary to law,	2
Game taken by methods forbidden,	9

Most of these cases we have investigated personally, and have laid complaint in many of them, where it became necessary to thus act, to prevent the running of the time limit to our disadvantage.

We secured favorable verdicts in the following:

Deer killed out of season,	4
Other game killed out of season,	2
Deer killed in the water,	1
Purchase of game,	4
Sale of game,	2
Hunting by non-residents,	1
Hunting game on Sunday,	4
Game in possession out of season,	2
Destroying birds nests,	5
Game held in captivity and released,	2
Ferrets killed,	3

Hunting with ferrets,	2
Killing deer ahead of dogs,	1
Dogs killed for running deer,	17

Beside the above we have the reports of more than fifty dogs being killed by individuals, other than those immediately connected with this office, who realize the great injury done by these dogs, and who made it a point to shoot every dog found in pursuit of a deer, one gentleman reports having shot nineteen dogs, while they were actually in pursuit of deer, and asserts, that, in his opinion, more deer are annually killed by dogs running at large, than are killed by the combined hunters of the State both in and out of season. You will notice the large number of dogs reported as killed for running deer. You will also note the large number of deer reported as killed by dogs running at large, three of these deer were run by dogs into one air hole in the ice on the west branch of the Susquehanna above Lock Haven in Clinton county while that river was frozen last winter, two of these deer were drawn under the ice and drowned, while the third succeeded in regaining its foothold on the ice again, only to be overtaken and torn to pieces by the pursuing dogs. Most of the deer thus destroyed have been does, in the majority of cases heavy with fawn, sometimes carrying two, one large doe run into the reservoir above Mifflintown and drowned was found to contain two fawns, almost ready to be dropped, the skins of these fawn are now in the possession of a taxidermist residing in Williamsport, this State. Beside the twenty-nine cases of actual killing reported, we received the reports of many dogs running deer, and doubtless many, very many more deer were killed in this way. Our attention has been repeatedly called to the fact that dogs will go long distances to find deer, in one case cited the dogs traveled more than eighteen miles in search of their quarry, deer are rapidly increasing in this State, and if the dog question is settled as now seems probable, deer hunting will be as enjoyable in Pennsylvania as in any State in the Union.

We have tried and lost the following cases:

Killing song and insectivorous birds,	3
Killing deer in excess of the limit,	1
Killing deer in the water and ahead of dogs,	1
Killing deer out of season,	1
Killing rabbits by the use of a ferret,	1
Hunting game on Sunday,	1
Non-resident hunting without a license,	1

In our travels through the State we have discovered and destroyed, by methods best known to ourselves, many deer licks. We also found many camps of hunters after the deer season had closed. These people claimed to be hunting bear, and this, perhaps, in some instances was the fact, while, in the majority of cases, deer hunting was the object or at least a joint deer and bear hunt intended, and many deer are killed in this way out of season. Much good would result from a law protecting bear and making the season for deer and bear the same.

Many complaints have come to us regarding the difference in time of the opening of the season for game birds and rabbits, the almost unanimous opinion being that the season for both should open at the same time. One gentleman connected with this office, Hugh Maloy, of Freeland, Luzerne county, who has made a life study of the habits of birds and animals of prey, asserts that the rabbit is the chief source of food supply for all nocturnal birds and animals of prey; that the rabbit constitutes a large part of the food supply secured by the different kinds of hawks during the daytime; that the rabbit moves during the early evening and night time and is thus the more easily discovered and taken by his natural enemies, and that the protection accorded our game birds, our song and insectivorous birds is increased or diminished according to the supply of rabbits provided.

Many letters have been written us on the subject of the use of buckshot in killing deer and extremely strong objection has been made thereto. One gentleman from the vicinity of Lock Haven, Clinton county, cites the wounding of more than twenty deer in this manner during the season just passed. These deer, he states, were more or less badly crippled and lost to the hunter, the majority of them to die. The same complaint has come to us of the work done by the small-bore rifle, which, while possessing the range and undoubted final killing quality, appears to lack the shocking power of the larger calibre, which stops the animal in its tracks. A very able article on this subject will be found in *Shooting and Fishing*, issue of December 11, 1902. This appears to us to be a question of not little importance and is one that should be carefully considered before final action on the part of the law-making power.

We found that much valuable timber has been destroyed by forest fires, thousands of acres in different parts of the State being burned over to the great destruction of nesting birds and young animals. We feel that all sportsmen of the State and all lovers of nature should unite in giving those entrusted with the protection of our forests the benefit of their best efforts in the prosecution of their work.

We would suggest that the Forestry Commission set apart a certain limited portion of the State lands, as a game refuge, and absolutely prohibit the killing of all kinds of game thereon for a stated period at least.

Beside the cases before referred to we have brought suit in our State courts, against more than forty members of an association located in Pike county who claim to be exempt from and outside the provisions of the general game laws of the State. These gentlemen are all non-residents, but claim by virtue of an act of 1871 to have the right to do as they please in that section regardless of subsequent laws. This right we have questioned and taken the preliminary steps to have the matter properly adjusted by the court. Being wealthy, these gentlemen are in position to cause us no little annoyance and we have been compelled to collect financial aid from individuals throughout the State, to enable us to push these cases to a conclusion. This we feel is not as it should be and call your attention to the matter.

Reports from all over the State show there has been more game in Pennsylvania this year than for many years, that we have had more song and insectivorous birds during the last summer than heretofore. Much more game of all kinds has been killed during the season just ending and no hunter seems to have returned empty-handed, unless it was his own fault. Enough is left to make it still more plentiful next year, if the provisions of the game law are properly enforced.

All correspondence has been promptly answered. All violations of the game laws coming to our notice, or reported to us, have been, as far as possible, investigated. No partiality or favoritism has been shown for any cause. We have visited in person more than two-thirds of the counties of the State. We forwarded from this office, copies of the pamphlet containing the game and fish laws to all of the constables of the State outside of the cities of Philadelphia and Pittsburg, more than thirty-three hundred in number, beside sending the same to many individuals upon request. We have received and answered almost five thousand letters during the past year, this number being far in excess of those received the year preceding it, this going to show the increased interest taken in the work of game and bird protection by the people of the State at large.

We feel that the question of game and bird protection in this State is one of no little importance. That the benefit derived from a day afield with the gun cannot be expressed in words or figures, that the resulting benefit to those engaged in agriculture from the presence of living birds is very great, and that the protection

now accorded these subjects should be increased in all reasonable ways.

We are reliably informed there is still a colony of beaver in this State; they are found in the wildest portion of a wild section. There is no possible way whereby harm can come to any individual or the State through their absolute protection. A sufficient increase in their numbers might result in benefit to the State, and we recommend a law protecting this animal in the Commonwealth.

We have found the amount of our appropriation, three thousand dollars, as set apart by the State for the use of this Department for the two years just closing, to be far short of the needs of our work and we have been unable to do justice to either the people of the State or ourselves, and recommend that at least twenty thousand dollars be appropriated to our use during the coming two years.

Most respectfully submitted,

WILLIAM M. KENNEDY,
CHARLES B. PENROSE,
JAMES H. WORDEN,
W. HEYWARD MYERS,
COLEMAN K. SOBER,
J. O'H. DENNY,

Board of Game Commissioners.

JOSEPH KALBFUS,

Secretary and Chief Game Warden.







